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Report of the Secretary-General on the status and progress of the negotiations on Western Sahara

I. Introduction

1. The present report is submitted pursuant to Security Council resolution 1754 (2007) of 30 April 2007, by which the Council called upon the parties to enter into negotiations without preconditions in good faith, taking into account the developments of the last months, with a view to achieving a just, lasting and mutually acceptable political solution, which would provide for the self-determination of the people of Western Sahara. In that resolution, the Council also requested the Secretary-General to provide a report by 30 June 2007 on the status and progress of those negotiations under his auspices, and expressed its intention to meet to receive and discuss that report. The present report covers developments since the issuance of my report dated 13 April 2007 (S/2007/202) and describes both the preliminary consultations and the status and progress of the negotiations.

II. Activities of my Personal Envoy

2. Pursuant to Security Council resolution 1754 (2007), my Personal Envoy, Peter van Walsum, held preliminary discussions in New York separately with representatives of the two parties, Morocco and the Frente Polisario, and with those of the two neighbouring States, Algeria and Mauritania, in preparation for a meeting of the parties. During those consultations, my Personal Envoy listened to the concerns and positions of the parties and neighbouring countries with regard to the conduct of the negotiations, and the parties reiterated their will to enter into negotiations in good faith under my auspices.

3. In May and June 2007, my Personal Envoy also consulted the representatives of interested Member States, including France, the Russian Federation, Spain, the United Kingdom of Great Britain and Northern Ireland and the United States of America, in New York, and briefly visited London, Madrid, Paris and Washington, D.C., for additional consultations. During those meetings, he sensed a commitment to maintaining the momentum towards a negotiating process and a willingness to provide political support and lend assistance in order to make the negotiations possible. It was also reiterated to him that the Security Council had consistently made it clear that it would not impose a solution to the question of Western Sahara, but that it was committed to assisting the parties in achieving a mutually acceptable

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political solution that would provide for the self-determination of the people of Western Sahara.

4. In a letter dated 25 May 2007, I invited the parties to send delegations to meet with my Personal Envoy, Mr. van Walsum, at the Greentree Estate in Manhasset, New York, on 18 and 19 June 2007. In my letter, it was specified that the discussions would be private. In similar letters, I invited Algeria and Mauritania to attend the Manhasset meeting as neighbouring countries.

5. The meeting took place at the Greentree Estate on 18 and 19 June, as planned. The parties held separate meetings with my Personal Envoy, as well as two sessions of face-to-face discussions, for the first time since direct talks had been held in London and Berlin in 2000. Representatives of the neighbouring countries, Algeria and Mauritania, were present at the opening and closing sessions and were consulted separately during the two-day meeting. In principle, they were also welcome to attend the joint meetings of the parties, but all delegations had accepted the understanding that when either of the parties preferred to meet without neighbouring countries, neither neighbouring country would participate.

6. The meeting was opened by the Under-Secretary-General for Political Affairs, Mr. B. Lynn Pascoe, who underlined that in the preparation of a process of negotiations, it was important to establish an atmosphere of good faith and mutual trust. He also appealed to the parties to exercise discretion and respect confidentiality; and urged all delegations to employ good judgement and refrain from using language that could inflame rather than support an environment conducive to fruitful negotiations. He reminded the meeting that the success or failure of the negotiations would ultimately be determined by the political will of the parties to resolve their differences through dialogue and compromise. The United Nations, through the good offices of the Secretary-General, was there to facilitate the discussions in every way possible; but it was the responsibility of the parties to forge a mutually acceptable solution.

7. In facilitating the negotiations, my Personal Envoy asked for an open and frank but nonetheless respectful discussion. During the discussions, the parties reiterated their commitment to the process and appeared determined not to be the cause of a breakdown of the negotiations. Although they both confirmed their respect for the principle of self-determination and accepted Security Council resolution 1754 (2007) as the mandate for the negotiations, their positions remained far apart on the definition of self-determination.

8. The parties agreed to the communiqué of my Personal Envoy, contained in the annex to this report. In his closing remarks, my Personal Envoy expressed his satisfaction at the positive atmosphere that had prevailed during the negotiations. He added, however, that a negotiation process could not be sustained by atmosphere alone.

9. I take this opportunity to express my appreciation to the Greentree Foundation for having made available the Greentree Estate as the venue for the meeting held on 18 and 19 June 2007.

III. Observations and recommendations

10. In paragraphs 2 and 3 of its resolution 1754 (2007), the Security Council called upon the parties to enter into negotiations and requested me to set up those negotiations under my auspices. In addition to what I have reported on the status and progress of the negotiations in the preceding paragraphs, I am also pleased to inform the Council that a second round will begin on 10 August 2007.

11. In paragraph 3 of that resolution, the Security Council also invited Member States to lend appropriate assistance to the negotiations. Given the context, I assumed that the Council was thinking, in particular, of assistance in the setting up of the negotiations. In that respect, I can report that several Member States have offered facilities and expertise for that purpose, for which I wish to express my gratitude. All offers are currently being evaluated.

12. In a different context, however, there is at least one other area where appropriate assistance could be lent to the negotiations. I would like to recommend that the Security Council call on all Member States to lend assistance to the process by urging both parties to make every effort to maintain the momentum and to impress upon them that a final resolution of the conflict will require flexibility and sacrifice from both of them. In that context, the Frente Polisario could be asked to test Morocco's readiness to take part in serious, constructive negotiations by making concrete proposals to define, clarify or amend provisions in the proposal of Morocco, leaving the final status out of consideration at this stage. Morocco, on its side, could be asked to show a greater awareness of the complexity of the issue by not insisting that its acceptance of autonomy instead of integration is equivalent — in terms of sacrifice, for example — to a possible acceptance by the Frente Polisario of autonomy instead of independence.

13. If the negotiations are to lead to a positive outcome, both parties must recognize that the question of sovereignty is, and always has been, the main stumbling block in this dispute, and that it is in this highly sensitive area that a solution will need to be found.

Annex

Communiqué of the Personal Envoy of the Secretary-General for Western Sahara, agreed with the parties meeting at the Greentree Estate, Manhasset, New York, 19 June 2007

In accordance with Security Council resolution 1754 (2007) of 30 April 2007 on Western Sahara, the Secretary-General arranged for Morocco and the Frente Polisario to enter into negotiations, without preconditions, in good faith, taking into account the developments of the last months, with a view to achieving a just, lasting and mutually acceptable political solution, which would provide for the self-determination of the people of Western Sahara.

Under the Secretary-General's auspices, the meeting was held at the Greentree Estate in Manhasset, New York, on 18 and 19 June 2007, with the participation of the parties, Morocco and the Frente Polisario. Representatives of the neighbouring countries, Algeria and Mauritania, were also present at the opening and closing sessions and were consulted separately.

During the meeting, negotiations started as requested by Security Council resolution 1754 (2007). The parties have agreed that the process of negotiations will continue in Manhasset in the second week of August 2007.